

ASSEMBLY BILL 100

SECTION 2337r

1 440.92 (1) (title) LICENSURE.

2 *b0120/3.7* SECTION 2337s. 440.92 (1) (a) of the statutes is amended to read:

3 440.92 (1) (a) Except as provided in subs. (4), (9) (a) and (10), every individual
4 who sells or solicits the sale of cemetery merchandise or an undeveloped space under
5 a preneed sales contract and, if the individual is employed by or acting as an agent
6 for a cemetery authority or any other person, that cemetery authority or other person
7 is also required to be registered licensed under this subsection.

8 *b0120/3.7* SECTION 2337t. 440.92 (1) (b) (intro.) of the statutes is amended
9 to read:

10 440.92 (1) (b) (intro.) The department board shall issue a certificate of
11 registration licensure as a cemetery preneed seller to any person who does all of the
12 following:

13 *b0120/3.7* SECTION 2337u. 440.92 (1) (bm) of the statutes is created to read:

14 440.92 (1) (bm) If a cemetery authority that is licensed under this subsection
15 notifies the board that it proposes to take an action specified in s. 157.08 (2) (b) 1. b.
16 or c. and the board does not object to the action under s. 157.08 (2) (b) 3., the board
17 shall revoke the license and require the cemetery authority to reapply for a license
18 under this subsection.

19 *b0120/3.7* SECTION 2337v. 440.92 (1) (e) of the statutes is amended to read:

20 440.92 (1) (e) Nothing in this subsection requires an individual who is
21 registered licensed as a cemetery salesperson under s. 440.91 (2) to be registered
22 licensed under this subsection if the individual does not conduct or solicit any sale
23 under a preneed sales contract.

24 *b0120/3.7* SECTION 2337wc. 440.92 (4) (a) (intro.) and (b) of the statutes are
25 amended to read:

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1 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery
2 merchandise under a preneed sales contract is not required to be ~~registered~~ licensed
3 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if
4 all payments received under the preneed sales contract are trusted as required under
5 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

6 (b) If any preneed seller who is not ~~registered~~ licensed under sub. (1) accepts
7 a payment under a preneed sales contract and the merchandise is not delivered
8 within 180 days after the date of the sale, the preneed seller shall immediately notify
9 the purchaser that the purchaser is entitled to a refund of all money paid by the
10 purchaser, together with interest calculated at the legal rate of interest as provided
11 under s. 138.04, at any time before the merchandise is delivered.

12 ***b0120/3.7* SECTION 2337wf.** 440.92 (6) (a), (i) and (j) of the statutes are
13 amended to read:

14 440.92 (6) (a) Every preneed seller ~~registered~~ licensed under sub. (1) shall file
15 an annual report with the ~~department~~ board. The report shall be made on a form
16 prescribed and furnished by the ~~department~~ board. The report shall be made on a
17 calendar-year basis unless the ~~department~~ board, by rule, provides for other
18 reporting periods. The report is due on or before the 60th day after the last day of
19 the reporting period.

20 (i) The department may promulgate rules requiring preneed sellers ~~registered~~
21 licensed under sub. (1) to maintain other records and establishing minimum time
22 periods for the maintenance of those records.

23 (j) The department may audit, at reasonable times and frequency, the records,
24 trust funds and accounts of any preneed seller ~~registered~~ licensed under sub. (1),
25 including records, trust funds and accounts pertaining to services provided by a

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1 preneed seller which are not otherwise subject to the requirements under this
2 section. The department may conduct audits under this paragraph on a random
3 basis, and shall conduct all audits under this paragraph without providing prior
4 notice to the preneed seller.

5 *b0120/3.7* SECTION 2337wh. 440.92 (9) (a) of the statutes is amended to read:

6 440.92 (9) (a) If the cemetery authority of a cemetery that is affiliated with a
7 religious society organized under ch. 187 or that religious society files an annual
8 certification with the department as provided in this subsection, neither the
9 cemetery authority nor any employee of the cemetery is required to be registered
10 licensed as a cemetery preneed seller under sub. (1) during the period for which the
11 certification is effective.

12 *b0120/3.7* SECTION 2337wj. 440.92 (10) of the statutes is amended to read:

13 440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES. This section does not
14 apply to a cemetery authority that is not required to be registered licensed under s.
15 440.91 (1) and that is not organized or conducted for pecuniary profit.

16 *delete extra space*

17 *b0120/3.7* SECTION 2337y. 440.93 (1) (intro.) of the statutes is amended to

18 read:

19 440.93 (1) (intro.) The ~~department~~ board may reprimand a registrant licensee
20 or deny, limit, suspend, or revoke a certificate of licensure of a cemetery authority,
21 cemetery salesperson, or preneed seller if it finds that the applicant or registrant
22 licensee, or, if the applicant or registrant, licensee is an association, partnership,
23 limited liability company, or corporation, any officer, director, trustee, member, or
24 shareholder who beneficially owns, holds, or has the power to vote 5% or more of any

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1 class of security issued by the applicant or registrant licensee, has done any of the
2 following:

3 *b0120/3.7* SECTION 2337z. 440.95 (1) of the statutes is amended to read:

4 440.95 (1) Any cemetery authority that is required to register be licensed under
5 s. 440.91 (1) and that knowingly fails to register be licensed may be fined not more
6 than \$100.

7 *b0246/2.3* SECTION 2337m. Subchapter VII of chapter 440 [precedes 440.75]
8 of the statutes is created to read:

9 CHAPTER 440

10 SUBCHAPTER VII

11 ALCOHOL AND OTHER DRUG ABUSE

12 COUNSELORS

13 440.75 Alcohol and other drug abuse counselors. (1) CERTIFICATION.

14 Except as provided in s. 440.12 or 440.13, the department shall certify as an alcohol
15 and other drug abuse counselor any individual who satisfies the conditions in sub.
16 (3) and who has presented evidence satisfactory to the department that alcohol and
17 other drug abuse counselor certification standards and qualifications of the
18 department, as established by rule, have been met.

19 (2) CERTIFICATION; STANDARDS AND QUALIFICATIONS. The department shall
20 promulgate rules that establish minimum standards and qualifications for the
21 certification of alcohol and other drug abuse counselors, including substance abuse
22 counselors described under s. HFS 75.02 (84) (b), Wis. Adm. Code.

23 (3) APPLICATIONS; CERTIFICATION PERIOD. An application for an alcohol and other
24 drug abuse counselor certification under this section shall be made on a form
25 provided by the department and filed with the department and shall be accompanied

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1 by the fee specified in s. 440.05 (1). The renewal date and renewal fee for an alcohol
2 and other drug abuse counselor certification are specified under s. 440.08 (2) (a).

3 (4) CERTIFICATION REQUIRED. No person may represent himself or herself to the
4 public as an alcohol and other drug abuse counselor or a certified alcohol and other
5 drug abuse counselor or use in connection with his or her name a title or description
6 that conveys the impression that he or she is an alcohol and other drug abuse
7 counselor or a certified alcohol and other drug abuse counselor unless he or she is
8 certified under sub. (1).

9 (5) REVOCATION, DENIAL, SUSPENSION, OR LIMITATION OF CERTIFICATION. The
10 department may, after a hearing held in conformity with chapter 227, revoke, deny,
11 suspend, or limit under this subchapter the certification of any alcohol and other
12 drug abuse counselor or reprimand the alcohol and other drug abuse counselor, for
13 practice of fraud or deceit in obtaining the certification or any unprofessional
14 conduct, incompetence, or professional negligence.

15 (6) CERTIFICATION OTHER THAN BY DEPARTMENT PROHIBITED. No entity other than
16 the department may certify alcohol and other drug abuse counselors.

17 *-0430/P1.1* SECTION 2338. 452.13 (2) (b) 3. of the statutes is amended to read:

18 452.13 (2) (b) 3. Furnish the department of regulation and licensing with a
19 letter authorizing the department of regulation and licensing and the department
20 of ~~administration~~ commerce to examine and audit the interest-bearing common
21 trust account whenever the department of regulation and licensing or the
22 department of ~~administration~~ commerce considers it necessary.

23 *-0430/P1.2* SECTION 2339. 452.13 (2) (bm) of the statutes is amended to read:

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1 452.13 (2) (bm) The department of regulation and licensing shall forward to the
2 department of ~~administration~~ commerce the information and documents furnished
3 under par. (b).

4 *-0430/P1.3* SECTION 2340. 452.13 (2) (d) of the statutes is amended to read:

5 452.13 (2) (d) The department of ~~administration~~ commerce is the beneficial
6 owner of the interest accruing to the interest-bearing common trust account, minus
7 any service charges or fees.

8 *-0430/P1.4* SECTION 2341. 452.13 (2) (e) 1. of the statutes is amended to read:

9 452.13 (2) (e) 1. Annually, before February 1, remit to the department of
10 ~~administration~~ commerce the total interest or dividends, minus service charges or
11 fees, earned on the average daily balance in the interest-bearing common trust
12 account during the 12 months ending on the previous December 31. A depository
13 institution is not required to remit any amount if the total interest or dividends for
14 that period is less than \$10 before any deduction for service charges or fees.

15 *-0430/P1.5* SECTION 2342. 452.13 (2) (e) 2. of the statutes is amended to read:

16 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the
17 department of ~~administration~~ commerce and to the broker maintaining the
18 interest-bearing common trust account a statement that includes the name of the
19 broker for whose account the remittance is made, the rate of interest applied, the
20 amount of service charges or fees deducted, if any, and the account balance for the
21 period that the statement covers.

22 *-0430/P1.6* SECTION 2343. 452.13 (2) (f) 2. of the statutes is amended to read:

23 452.13 (2) (f) 2. May not assess a service charge or fee for an interest-bearing
24 common trust account against the department of ~~administration~~ commerce.

25 *-0430/P1.7* SECTION 2344. 452.13 (2) (f) 3. of the statutes is amended to read:

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1 452.13 (2) (f) 3. May deduct a service charge or fee from the interest earned by
2 an interest-bearing common trust account, and if a balance remains, may deduct the
3 remaining charge or fee from the interest earned on any other interest-bearing
4 common trust account maintained in that depository institution, before remitting
5 interest to the department of ~~administration~~ commerce.

6 ***-0430/P1.8* SECTION 2345.** 452.13 (5) of the statutes is amended to read:

7 452.13 (5) RULES. In consultation with the department of regulation and
8 licensing, the department of ~~administration~~ commerce shall promulgate rules
9 necessary to administer this section.

10 ***b0246/2.4* SECTION 2345m.** 457.02 (5m) of the statutes is amended to read:

11 457.02 (5m) Authorize any individual who is certified or licensed under this
12 chapter to treat alcohol or substance dependency or abuse as a specialty unless the
13 individual is a ~~substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm.~~
14 ~~Code~~ certified alcohol and other drug abuse counselor under s. 440.75, or unless the
15 individual satisfies educational and supervised training requirements established
16 in rules promulgated by the examining board. In promulgating rules under this
17 subsection, the examining board shall consider the requirements for qualifying as a
18 ~~substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code~~ certified alcohol
19 and other drug abuse counselor under s. 440.75.

20 ***-1510/2.32* SECTION 2346.** 460.05 (1) (e) 1. of the statutes is amended to read:

21 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork
22 approved by the educational approval board under s. ~~45.54~~ 38.50 or completed a
23 training program approved by the department under the rules promulgated under
24 s. 460.04 (2) (b).

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1 ***-0330/P2.3* SECTION 2347.** 460.05 (3) of the statutes is repealed and
2 recreated to read:

3 460.05 (3) The department shall grant a certificate as a massage therapist or
4 bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d),
5 (g), and (h) and who includes with the application specified in sub. (1) (c) all of the
6 following:

7 (a) Evidence satisfactory to the department that, during the 2-year period after
8 March 1, 2003, the person was actively engaged in the practice of massage therapy
9 or bodywork.

10 (b) An attestation that the person only recently became aware of the
11 requirements of this chapter.

12 ***b0208/P3.3* SECTION 2347p.** 560.031 of the statutes is created to read:

13 **560.031 Grants for ethanol production facilities.** Notwithstanding ss.
14 560.135 (2), 560.138 (2) (a), and 560.17 (3), the department may not make a grant for
15 an ethanol production facility on which construction begins after the effective date
16 of this section [revisor inserts date], unless a competitive bidding process is used
17 for the construction of the ethanol production facility.

18 ***b0297/P1.1* SECTION 2348m.** 560.075 of the statutes is created to read:

19 **560.075 Repayment of grants, loans, and tax benefits.** (1) In this section,
20 “tax benefits” means the credits under ss. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm),
21 (2dr), (2ds), (2dx), (3g), and (3t), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds),
22 (1dx), (3g), and (3t), and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g),
23 and (3t).

24 (2) The department may not award a grant or loan under this chapter to a
25 person or certify a person to receive tax benefits unless the department enters into

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1 an agreement with the person that requires the person to repay the grant, loan, or
2 tax benefits if, within 5 years after receiving the grant or loan or being certified to
3 receive tax benefits, the person ceases to conduct in this state the economic activity
4 for which the person received the grant or loan or for which the person was certified
5 to receive tax benefits and commences substantially the same economic activity
6 outside this state.

7 ***b0331/2.4* SECTION 2348q.** 560.125 of the statutes is created to read:

8 **560.125 Diesel truck idling reduction grants. (1) DEFINITIONS.** In this
9 section:

10 (a) “Common motor carrier” has the meaning given in s. 194.01 (1).

11 (b) “Contract motor carrier” has the meaning given in s. 194.01 (2).

12 (c) “Idling reduction unit” means a device that is installed on a diesel truck to
13 reduce the long-duration idling of the truck by providing heat, air conditioning, or
14 electricity to the truck while the truck is stationary and the main drive engine of the
15 truck is not operating.

16 (d) “Post-1998 diesel truck engine” means a heavy-duty highway diesel engine
17 that complies with the air pollutant emission standards promulgated by the federal
18 environmental protection agency under 42 USC 7521 for engine model year 1998 or
19 a later engine model year.

20 (e) “Private motor carrier” has the meaning given in s. 194.01 (11).

21 (f) “Truck tractor” has the meaning given in s. 340.01 (73).

22 **(2) AUTHORITY.** Beginning on July 1, 2006, and ending on June 30, 2011, the
23 department may award a grant to an eligible applicant for the purchase and field
24 testing of one or more idling reduction units as provided in subs. (3) and (4).

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1 (3) ELIGIBLE APPLICANTS. An applicant is eligible for a grant under this section
2 only if all of the following apply:

3 (a) The applicant is a common motor carrier, contract motor carrier, or private
4 motor carrier that transports freight.

5 (b) The applicant is headquartered in this state.

6 (c) The applicant pays at least 30 percent of the eligible costs for each idling
7 reduction unit covered by a grant under this section without the use of grants, loans,
8 or other financial assistance from this state or from a local governmental unit in this
9 state.

10 (d) The applicant agrees to collect information relating to the operation and
11 performance of each idling reduction unit covered by a grant under this section, as
12 required by the department, and to report that information to the department.

13 (4) GRANTS. (a) Except as provided in par. (b), the costs that an applicant has
14 incurred or will incur to purchase and install an idling reduction unit on a truck
15 tractor that is owned or operated by the applicant and that has a post-1998 diesel
16 truck engine are eligible costs under this section if the use of the idling reduction unit
17 will result, in the aggregate, in a decrease in the emissions of one or more air
18 contaminants, as defined in s. 285.01 (1), from the truck tractor on which the idling
19 reduction unit is installed or in a decrease in the use of energy by the truck tractor
20 on which the idling reduction unit is installed.

21 (b) The following costs are not eligible costs:

22 1. The cost of shipping an idling reduction unit from the manufacturer to the
23 facility where the idling reduction unit will be installed on the truck tractor.

24 2. The cost of operating an idling reduction unit.

25 3. The cost of maintaining an idling reduction unit.

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1 (c) Subject to par. (d), the department may make a grant under this section of
2 up to 70 percent of the eligible costs for not more than the following number of idling
3 reduction units:

4 1. If the applicant owns and operates one truck tractor with a post-1998 diesel
5 truck engine, one.

6 2. If the applicant owns and operates at least 2 but not more than 10 truck
7 tractors with post-1998 diesel truck engines, 2.

8 3. If the applicant owns and operates at least 11 but not more than 50 truck
9 tractors with post-1998 diesel truck engines, the greater of the following:

10 a. Two.

11 b. Ten percent of the number of truck tractors with post-1998 diesel truck
12 engines that the applicant owns and operates.

13 4. If the applicant owns and operates at least 51 but not more than 250 truck
14 tractors with post-1998 diesel truck engines, the greater of the following:

15 a. Six.

16 b. Seven percent of the number of truck tractors with post-1998 diesel truck
17 engines that the applicant owns and operates.

18 5. If the applicant owns and operates at least 251 but not more than 500 truck
19 tractors with post-1998 diesel truck engines, the greater of the following:

20 a. Eighteen.

21 b. Six percent of the number of truck tractors with post-1998 diesel truck
22 engines that the applicant owns and operates.

23 6. If the applicant owns and operates at least 501 but not more than 2,500 truck
24 tractors with post-1998 diesel truck engines, the greater of the following:

25 a. Twenty-five.

1 b. Five percent of the number of truck tractors with post-1998 diesel truck
2 engines that the applicant owns and operates.

3 7. If the applicant owns and operates more than 2,500 truck tractors with
4 post-1998 diesel truck engines, 3 percent of the number of truck tractors with
5 post-1998 diesel truck engines that the applicant owns and operates.

6 (d) In any fiscal year, the department may not pay to any one applicant more
7 than 20 percent of the amount appropriated under s. 20.143 (3) (sm) for the fiscal
8 year.

9 (e) The department may pay a grant over more than one fiscal year, subject to
10 the availability of funds and to par. (d).

11 (f) The department shall require that applicants receiving grants under this
12 section covering more than one idling reduction unit purchase idling reduction units
13 of more than one type and from more than one manufacturer. The department may
14 impose other conditions on the receipt of grants.

15 (g) The department shall withhold payment of at least 20 percent of a grant
16 under this section until the recipient has complied with the conditions of the grant
17 established by the department, including providing to the department information
18 relating to the operation and performance of each idling reduction unit covered by
19 the grant.

20 (5) INFORMATION. The department shall collect information from recipients of
21 grants under this section relating to the operation and performance of idling
22 reduction units. The department shall summarize the information collected and
23 make it available to common motor carriers, contract motor carriers, and private
24 motor carriers in an accessible and cost-effective manner, such as on department's
25 Internet site.

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1 (6) SUNSET. Subsections (2) to (4) do not apply after December 31, 2012.

2 *-0470/P2.1* SECTION 2351. 560.137 (2) (f) of the statutes is created to read:

3 560.137 (2) (f) If the department awards a grant under this subsection, the
4 department may contract directly with and pay grant proceeds directly to any person
5 providing technical or management assistance to the grant recipient.

6 *-0470/P2.2* SECTION 2352. 560.138 (6) of the statutes is created to read:

7 560.138 (6) If the department awards a grant under this section, the
8 department may contract directly with and pay grant proceeds directly to any person
9 providing technical or management assistance to the grant recipient. ^

10 *b0296/P2.3* SECTION 2357m. 560.155 of the statutes is repealed.

11 *b0270/5.10* SECTION 2361m. 560.18 of the statutes is renumbered 26.40, and
12 26.40 (1m), as renumbered, is amended to read:

13 26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department
14 may award grants to nonprofit organizations to develop forestry educational
15 programs and instructional materials for use in the public schools. The department
16 may not award a grant unless it enters into a memorandum of understanding with
17 the grant recipient and the director of the timber management program at the
18 University of Wisconsin–Stevens Point regarding the use of the funds.

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23 *b0256/P2.10* SECTION 2366m. 560.275 (2) (a) to (d) and (e) (intro.) of the
24 statutes are amended to read:

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1 560.275 (2) (a) *Early stage planning grants and loans.* The department may
2 make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie)
3 for the purpose of funding professional services related to completing an application
4 to be submitted to the federal government for the purpose of obtaining early stage
5 research and development funding or for the purpose of funding professional services
6 that are required to accomplish specific tasks established as a condition of receiving
7 early stage financing from 3rd parties that is necessary for business development.

8 (b) *Matching grants and loans.* 1. The department may make a grant or loan
9 from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of
10 funding professional services related to developing a proposed technologically
11 innovative product, process, or service, if the applicant has received a grant from the
12 federal government for a substantially similar purpose.

13 2. The department may make a grant or loan from the appropriation under s.
14 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of funding professional services related
15 to the accelerated commercialization of a technologically innovative product,
16 process, or service, if the federal government has notified the applicant that the
17 applicant will receive a grant from the federal government for a substantially similar
18 purpose.

19 (c) *Bridge grants and loans.* The department may make a grant or loan from
20 the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) to a person who has
21 received early stage financing from 3rd parties or a grant from the federal
22 government to fund early stage research and development and who has sought
23 additional early stage financing from 3rd parties or applied for an additional grant
24 from the federal government to fund early stage research and development. A grant
25 or loan under this paragraph shall be for the purpose of funding professional services

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1 necessary to maintain the project research and management team and funding basic
2 operations until the applicant's additional 3rd party financing request or federal
3 grant application is approved or denied.

4 (d) *Venture capital grants and loans.* The department may make a grant or loan
5 from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of
6 enhancing the applicant's ability to obtain early stage financing from 3rd parties.

7 (e) (intro.) *Entrepreneurial and technology transfer center grants.* The
8 department may make a grant from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~
9 (c) or (ie) for the purpose of supporting any entrepreneurial and technology transfer
10 center that satisfies all of the following criteria:

11 *b0256/P2.10* SECTION 2376j. 560.275 (8) of the statutes is created to read:

12 560.275 (8) SMALL BUSINESSES. The department shall award not less than 50
13 percent of the total amount of grants and loans made under this section to small
14 businesses, as defined in 560.60 (15)  ^{add} ← period

15 *b0256/P2.10* SECTION 2376k. 560.275 (9) of the statutes is created to read:

16 560.275 (9) DISTRESSED AREAS. The department shall award not less than 35
17 percent of the total amount of grants and loans made under this section to businesses
18 in distressed areas, as defined in 560.605 (7) (b).

19 *b0256/P2.10* SECTION 2376L. 560.60 (15) of the statutes is renumbered
20 560.60 (15) (intro.) and amended to read:

21 560.60 (15) (intro.) "Small business" means a business that is operating for
22 profit, ~~with 250~~ and to which any of the following apply:

23 (a) The business has 100 or fewer employees, including employees of any
24 subsidiary or affiliated organization.

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1 ***b0256/P2.10* SECTION 2376m.** 560.60 (15) (b) of the statutes is created to
2 read:

3 560.60 (15) (b) The business has annual gross receipts of \$10,000,000 or less.

4 ***b0256/P2.10* SECTION 2407L.** 560.605 (7) of the statutes is created to read:
5 560.605 (7) (a) The board shall award not less than 50 percent of the total
6 amount of grants and loans made under this subchapter to small businesses.

7 (b) The board shall award not less than 35 percent of the total amount of grants
8 and loans made under this subchapter to businesses in distressed areas. In this
9 paragraph, “distressed area” means an area to which any of the following apply:

- 10 1. The area has a high level of unemployment.
- 11 2. The area has a low median household income.
- 12 3. A significant number of workers in the area have been permanently laid off.
- 13 4. An employer in the area has given public notice of a plant closing or a
14 substantial reduction in force that will result in a significant number of workers in
15 the area being permanently laid off.
- 16 5. The area is designated as a development zone under s. 560.71 or an
17 enterprise development zone under s. 560.797.
- 18 6. As determined by the board, the area is affected by another factor that
19 indicates the area is a distressed area.

20 ***b0305/2.1* SECTION 2418m.** 560.797 (2) (c) of the statutes is amended to read:

21 560.797 (2) (c) The department may not designate as an enterprise
22 development zone, or as any part of an enterprise development zone, an area that is
23 located within the boundaries of an area that is designated as a development zone
24 under s. 560.71, or as a development opportunity zone under s. 560.795, the
25 designation of which is in effect.

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1 ***b0208/P3.4* SECTION 2388p.** 560.605 (1) (p) of the statutes is created to read:

2 560.605 (1) (p) For an ethanol production facility on which construction begins
3 after the effective date of this paragraph [revisor inserts date], a competitive
4 bidding process is used for the construction of the ethanol production facility.

5 ***-0718/P3.1* SECTION 2419.** 560.797 (2) (d) of the statutes is amended to read:

6 560.797 (2) (d) The department may not designate more than ~~79~~ 85 enterprise
7 development zones unless the department obtains the approval of the joint
8 committee on finance to do so. ~~Of the enterprise development zones that the~~
9 department designates, at least 10 shall be designated under par. (bg).

10 ***b0252/P2.2* SECTION 2419k.** 560.797 (4) (a) of the statutes is amended to
11 read:

12 560.797 (4) (a) ~~Subject to par. (b), if~~ If the department approves a project plan
13 under sub. (3) and designates the area in which the person submitting the project
14 plan conducts or intends to conduct the project as an enterprise development zone
15 under the criteria under sub. (2), the department shall certify the person as eligible
16 for tax benefits.

17 ***b0252/P2.2* SECTION 2419L.** 560.797 (4) (b) of the statutes is repealed.

18 ***b0252/P2.2* SECTION 2419m.** 560.797 (4) (bm) of the statutes is created to
19 read:

20 560.797 (4) (bm) Of the persons certified as eligible for tax benefits in the areas
21 designated by the department as enterprise development zones after the effective
22 date of this paragraph....[revisor inserts date], not less than one-half shall be
23 businesses with 100 or fewer employees.

24 ***-1513/4.26* SECTION 2422.** 560.9810 (5) of the statutes is created to read:

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1 560.9810 (5) NONAPPLICATION. This section does not apply to property that is
2 authorized to be sold under s. 16.848.

3 ***b0408/1.2* SECTION 2422b.** 562.01 (11g) of the statutes is amended to read:

4 562.01 (11g) “Race meeting” means the period during a calendar year for which
5 a person has been issued a license under s. 562.05 (1) (b) or (bm).

6 ***b0408/1.2* SECTION 2422c.** 562.02 (1) (L) of the statutes is created to read:

7 562.02 (1) (L) Promulgate rules administering s. 562.058.

8 ***b0408/1.2* SECTION 2422d.** 562.02 (5) of the statutes is created to read:

9 562.02 (5) The department may not impose a fee greater than \$75 for renewal
10 of a license issued under this chapter to operate a concession at a racetrack.

11 ***b0408/1.2* SECTION 2422e.** 562.05 (1) (bm) of the statutes is created to read:

12 562.05 (1) (bm) The ownership and operation of a racetrack at which
13 pari-mutuel wagering is conducted and the sponsorship and management of any
14 race on which pari-mutuel wagering is conducted and which is not located at a fair.

15 ***b0408/1.2* SECTION 2422f.** 562.05 (1g) of the statutes is amended to read:

16 562.05 (1g) A license issued under sub. (1) (a) or (bm) may authorize the
17 ownership and operation of a racetrack where horse racing is conducted, the
18 ownership and operation of a racetrack not at a fair where dog racing is conducted
19 or the ownership and operation of a racetrack not at a fair where both horse racing
20 and dog racing are conducted. A license issued under sub. (1) (b) or (bm) may
21 authorize the sponsorship and management of horse races or dog races, or both horse
22 races and dog races, at the same location.

23 ***b0408/1.2* SECTION 2422g.** 562.05 (2m) of the statutes is amended to read:

24 562.05 (2m) In issuing a license to own and operate a racetrack not at a fair,
25 the department shall consider the competitive effects on any other licensee under

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1 sub. (1) (a) ~~or~~, (b), or (bm). These competitive effects shall include, but not be
2 restricted to, the impact on the economic viability of existing licensed racetracks and
3 the jobs that have been created by such licensed racetracks.

4 *b0408/1.2* SECTION 2422h. 562.05 (3) of the statutes is amended to read:

5 562.05 (3) No person may hold more than one license ~~issued under sub. (1) (a)~~
6 that authorizes ownership and operation of a racetrack at which pari-mutuel
7 wagering is conducted and one license ~~issued under sub. (1) (b) or (c)~~ that authorizes
8 sponsorship and management of any race on which pari-mutuel wagering is
9 conducted. If the applicant for any of those licenses is a corporation, association,
10 limited liability company or partnership, the department shall determine whether
11 the applicant is the same person as another licensee for the purpose of applying this
12 subsection. Nothing in this subsection prohibits any person with a license under sub.
13 (1) from contracting for services with any other person with a license under sub. (1),
14 subject to any rules promulgated by the department.

15 *b0408/1.2* SECTION 2422i. 562.05 (3r) of the statutes is renumbered 562.05
16 (3r) (a) and amended to read:

17 562.05 (3r) (a) The Except as provided under par. (b), the application for the
18 first license under sub. (1) (a) or (bm) to be issued for any location shall be
19 accompanied by a resolution, supporting the proposed location of the racetrack and
20 its ownership and operation by the applicant, which has been adopted, after a public
21 hearing, by the governing body of the city, village or town where the racetrack is
22 proposed to be located. A common council may not adopt such a resolution if an
23 ordinance prohibiting the location of a racetrack at the proposed location has been
24 adopted under s. 9.20 before May 3, 1988, or a petition for such an ordinance has been
25 filed, under s. 9.20, before May 3, 1988. Except as provided in this subsection, no

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1 ordinance adopted under s. 9.20 or 66.0101 may prohibit the location of a racetrack
2 in any city or village.

3 ***b0408/1.2* SECTION 2422j.** 562.05 (3r) (b) of the statutes is created to read:

4 562.05 (3r) (b) The requirements under par. (a) do not apply to an application
5 for the first license under sub. (1) (bm) for a location if a license under sub. (1) (a) has
6 been issued for the location.

7 ***b0408/1.2* SECTION 2422L.** 562.05 (3wr) of the statutes is renumbered

8 562.05 (3wr) (a) and amended to read:

9 562.05 (3wr) (a) The Except as provided under par. (b), the first license issued
10 to each applicant under sub. (1) (a) or (bm) for each racetrack expires after 5 years.
11 Any subsequent license issued to the same applicant for that racetrack expires after
12 one year.

13 ***b0408/1.2* SECTION 2422m.** 562.05 (3wr) (b) of the statutes is created to read:

14 562.05 (3wr) (b) A first license issued to an applicant under sub. (1) (bm) for
15 a racetrack expires after one year if the applicant held a license under sub. (1) (a) for
16 the racetrack at the time of application for the license under sub. (1) (bm).

17 ***b0408/1.2* SECTION 2422n.** 562.05 (3wt) of the statutes is amended to read:

18 562.05 (3wt) In the first license issued to each applicant under sub. (1) (a) or
19 (bm) for each racetrack, the department shall specify a date by which each of the
20 types of racing authorized under the license shall begin at that racetrack. Upon
21 request of the licensee, the department may change a specified date to an earlier or
22 later date pursuant to rules of the department.

23 ***b0408/1.2* SECTION 2422o.** 562.05 (4m) (c) of the statutes is amended to read:

24 562.05 (4m) (c) The license will not create competition that will adversely affect
25 any other licensee under sub. (1) (a) or, (b), or (bm).

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1 ***b0408/1.2* SECTION 2422om.** 562.05 (4r) of the statutes is created to read:

2 562.05 (4r) Except as provided under subs. (3) to (3r) and (4), the department
3 may issue a license under sub. (1) (bm) if the department determines that the
4 conditions under subs. (3w) (a) to (d) and (4m) (a) to (c) are satisfied.

5 ***b0408/1.2* SECTION 2422p.** 562.05 (5) (c) 2. of the statutes is amended to read:

6 562.05 (5) (c) 2. Except as otherwise provided in this subdivision, if after the
7 application for a license is made or a license is issued any new officer, director,
8 partner, member or owner subject to par. (a), as specified in par. (b), or any other new
9 person with a present or future direct or indirect financial or management interest
10 in the application or license joins the applicant or licensee, the applicant or licensee
11 shall, within 5 working days, notify the department of the change and provide the
12 affidavit under subd. 1. After an application for a license under sub. (1) (a) ~~or~~, (b),
13 or (bm) is made or after a license under sub. (1) (a) ~~or~~, (b), or (bm) is issued, no
14 ownership interest or right of ownership in the applicant or licensee may be
15 transferred unless the applicant or licensee provides the affidavit under subd. 1. for
16 the proposed new owner and the proposed new owner is approved by the department.
17 The department shall conduct the background investigations required under sub. (7)
18 of any new officer, director, partner, member, shareholder or proposed owner of an
19 applicant or licensee named in a notice to the department under this subdivision.

20 ***b0408/1.2* SECTION 2422q.** 562.05 (6m) (a) 1. of the statutes is amended to
21 read:

22 562.05 (6m) (a) 1. An application for an intertrack wagering license shall
23 identify each licensee under sub. (1) (b) or (bm) on whose races the applicant proposes
24 to conduct intertrack wagering and, except as provided in subd. 2., shall be
25 accompanied by a statement, signed by each licensee that is identified in the

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1 application, giving consent to the applicant to conduct intertrack wagering on all
2 races that are simulcast by the licensee during the licensee's race meeting.

3 *b0408/1.2* SECTION 2422r. 562.05 (6m) (a) 2. of the statutes is amended to
4 read:

5 562.05 (6m) (a) 2. A licensee under sub. (1) (b) or (bm) who signs a statement
6 specified in subd. 1. is considered to have given consent to all applicants for
7 intertrack wagering licenses to conducting intertrack wagering on all races that are
8 simulcast by the licensee during the licensee's race meeting, and no similar
9 statements signed by that licensee need be filed by other applicants for intertrack
10 wagering licenses who propose to conduct intertrack wagering on those races.

11 *b0408/1.2* SECTION 2422s. 562.05 (6m) (b) 1. of the statutes is amended to
12 read:

13 562.05 (6m) (b) 1. The applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm).

14 *b0408/1.2* SECTION 2422t. 562.05 (6m) (b) 2. of the statutes is amended to
15 read:

16 562.05 (6m) (b) 2. At least 250 race performances were conducted at the
17 racetrack for which the applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm) during
18 the calendar year immediately preceding the year in which the applicant proposes
19 to conduct intertrack wagering. The department may waive the requirement in this
20 subdivision if the department determines that the waiver is in the public interest.

21 *b0408/1.2* SECTION 2422tm. 562.05 (6m) (b) 3. of the statutes is repealed.

22 *b0408/1.2* SECTION 2422u. 562.05 (6m) (e) of the statutes is repealed.

23 *b0408/1.2* SECTION 2422um. 562.05 (9) (a) of the statutes is amended to
24 read:

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1 562.05 (9) (a) Every license issued under sub. (1) (b), (bm), or (c) authorizing
2 the sponsorship or management of a race shall set forth the time and number of days,
3 or the specific dates, during which racing may be conducted under that license, as
4 determined by the department.

5 ***b0408/1.2* SECTION 2422v.** 562.05 (9) (b) of the statutes is amended to read:

6 562.05 (9) (b) A license under sub. (1) (c) may authorize horse races on days on
7 which the fair is conducted and for 2 additional periods not to exceed 5 days each.
8 Either or both of the additional periods may be consecutive with the days on which
9 the fair is conducted. In assigning race days and race times under this paragraph,
10 the department shall consider the competitive effects on licensees under sub. (1) (a)
11 and, (b), and (bm).

12 ***b0408/1.2* SECTION 2422vm.** 562.05 (10) of the statutes is amended to read:

13 562.05 (10) The department shall revoke the license issued under sub. (1) (a)
14 or (bm) of any person who accepts any public money to construct or operate a
15 racetrack in Wisconsin. This subsection does not apply to any racetrack operated in
16 conjunction with a county fair.

17 ***b0408/1.2* SECTION 2422w.** 562.057 (4) of the statutes is amended to read:

18 562.057 (4) Subject to sub. (4m), the department may permit a licensee under
19 s. 562.05 (1) (b) or (bm) to receive simulcast races from out-of-state racetracks, to
20 conduct pari-mutuel wagering on those races and to commingle the licensee's
21 wagering pools on those races with those of any out-of-state racetrack from which
22 the licensee is permitted to receive simulcast races. The department may permit a
23 licensee under s. 562.05 (1) (b) or (bm) to simulcast races to any out-of-state legal
24 wagering entity, and to commingle the licensee's wagering pools on those races with

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1 those of any out-of-state legal wagering entity to which the licensee is permitted to
2 simulcast those races.

3 *b0408/1.2* SECTION 2422wm. 562.057 (4m) (intro.) of the statutes is
4 amended to read:

5 562.057 (4m) (intro.) The department may not permit a licensee under s.
6 562.05 (1) (b) or (bm) to receive simulcast races under sub. (4) unless the department
7 determines that all of the following conditions are met:

8 *b0408/1.2* SECTION 2422x. 562.057 (4m) (bm) of the statutes, as created by
9 2003 Wisconsin Act 33, is repealed.

10 *b0408/1.2* SECTION 2422xm. 562.057 (4r) of the statutes is created to read:
11 562.057 (4r) The department may not impose a fee on a licensee under s. 562.05
12 (1) (a), (b), (bm), or (e) for receiving a simulcast race from an out-of-state racetrack
13 or for simulcasting a race to an out-of-state legal wagering entity.

14 *b0408/1.2* SECTION 2422y. 562.058 of the statutes is created to read:

15 **562.058 Video gaming devices for pari-mutuel racing.** A licensee under
16 s. 562.05 (1) (b) or (bm) may operate video gaming devices to conduct pari-mutuel
17 wagering on dog or horse races that have been previously conducted at a racetrack
18 or out-of-state racetrack and that are visually displayed on the gaming device.

19 *b0108/4.1* SECTION 2423r. 565.02 (9) of the statutes is created to read:

20 565.02 (9) If the department contracts for a supplier to provide instant lottery
21 ticket vending machines for placement by the department, the department shall
22 place vending machines in passenger terminals of airports in Appleton, Green Bay,
23 La Crosse, Madison, and Milwaukee and in passenger terminals of Amtrak train
24 stations in Milwaukee if a retailer, as defined in s. 565.01 (6), agrees to accept
25 placement of a vending machine in the airport or train station and if the airport or

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1 train station administrator allows operation of a vending machine in the airport or
2 train station.

3 *b0124/1.1* SECTION 2423r. 565.02 (3) (j) of the statutes is created to read:

4 565.02 (3) (j) Requiring retailers to display a sign provided by the department
5 under s. 565.27 (5) that provides notice that the top prizes in a scratch-off game have
6 been claimed.

7 *b0408/1.3* SECTION 2423c. 562.065 (3) (a) of the statutes is amended to read:

8 562.065 (3) (a) *Deduction.* From the total amount wagered on all animals
9 selected to win, place or show in a race, a licensee under s. 562.05 (1) (b), (bm), and
10 (c) shall deduct 17% or an amount approved by the department under s. 562.02 (1)
11 (k) up to 20% and pay the balance, minus breakage, to winning ticket holders, except
12 that for a multiple pool, the licensee shall deduct 23% or an amount approved by the
13 department under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage,
14 to winning ticket holders. Nothing in this paragraph prohibits the licensee from
15 retaining amounts wagered in multiple pools which are required to be paid to
16 winning ticket holders if there are no winning ticket holders, for the sole purpose of
17 paying these amounts to winning ticket holders of subsequent races.

18 *b0408/1.3* SECTION 2423d. 562.065 (3) (b) 1. of the statutes is amended to
19 read:

20 562.065 (3) (b) 1. For horse races, from the total amount deducted under par.
21 (a) on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an
22 amount equal to 8% of the total amount wagered on each race day for purses for races
23 held on that race day, except as provided in s. 562.057 (4). The licensee shall pay
24 purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay

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1 the purse directly to the lessor and lessee of the horse as agreed in a written lease
2 agreement on file with the licensee.

3 *b0408/1.3* SECTION 2423e. 562.065 (3) (b) 2. of the statutes is amended to
4 read:

5 562.065 (3) (b) 2. For dog races, from the total amount deducted under par. (a)
6 on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an
7 amount equal to 4.5% of the total amount wagered on each race day for purses, except
8 as provided in s. 562.057 (4). Purses shall be paid on or before Thursday of the
9 calendar week immediately following the race day on which the purses are won. The
10 licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the
11 licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in
12 a written lease agreement on file with the licensee.

13 *b0408/1.3* SECTION 2423f. 562.065 (3) (c) 1. (intro.) of the statutes is
14 amended to read:

15 562.065 (3) (c) 1. (intro.) For horse races, from the total amount deducted under
16 par. (a) on each race day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with
17 the department the following amounts:

18 *b0408/1.3* SECTION 2423g. 562.065 (3) (c) 2g. (intro.) of the statutes is
19 amended to read:

20 562.065 (3) (c) 2g. (intro.) For dog races, from the total amount deducted under
21 par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05
22 (1) (b) or (bm) shall deposit with the department the following amounts:

23 *b0408/1.3* SECTION 2423gm. 562.065 (3) (c) 4. of the statutes is amended to
24 read:

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1 562.065 (3) (c) 4. Annually, not later than February 15, a licensee under s.
2 562.05 (1) (b) or (bm) shall file with the department a statement computing the total
3 amount paid to the department under subd. 1. during the immediately preceding
4 year and the total amount wagered at races sponsored and managed by the licensee
5 during that year. If the total amount paid to the department under subd. 1. exceeds
6 the amount due under subd. 1. the department shall refund the difference to the
7 licensee. If the total amount paid is less than the amount due the licensee shall remit
8 the difference to the department.

9 ***b0408/1.3* SECTION 2423h.** 562.065 (3) (d) 1. of the statutes is amended to
10 read:

11 562.065 (3) (d) 1. From the total amount deducted under par. (a) on each race
12 day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with the department an
13 amount equal to 0.75% of the total amount wagered on that race day.

14 ***b0408/1.3* SECTION 2423i.** 562.065 (3) (e) of the statutes is amended to read:
15 562.065 (3) (e) *Breakage.* A licensee under s. 562.05 (1) (b) or (bm) may retain
16 100% of the breakage for each race day.

17 ***b0408/1.3* SECTION 2423j.** 562.065 (4) of the statutes is amended to read:
18 562.065 (4) UNCLAIMED PRIZES. A licensee under s. 562.05 (1) (b) or (bm) shall
19 pay to the department 50% of any winnings on a race that are not claimed within 90
20 days after the end of the period authorized for racing in that year under s. 562.05 (9).
21 The department shall credit moneys received under this subsection to the
22 appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g). The licensee may
23 retain the remaining 50% of the winnings.

24 ***b0408/1.3* SECTION 2423k.** 562.075 (1) of the statutes is amended to read:

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1 562.075 (1) HORSES FOALED IN THIS STATE. Every licensee to sponsor and manage
2 horse races under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race on every
3 race day which is limited to horses foaled in this state, except that another race may
4 be substituted if the licensee is unable, with reasonable effort, to attract sufficient
5 competition for such a race. The department shall define, by rule, the term “foaled
6 in this state”.

7 ***b0408/1.3* SECTION 2423L.** 562.075 (2) (b) of the statutes is amended to read:

8 562.075 (2) (b) *Races.* Every person licensed to sponsor and manage horse races
9 under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race, on every race day, which
10 is limited to 3-year-old horses, which did not race during the prior 2 years. If the
11 licensee is unable, with reasonable effort, to attract sufficient competition for such
12 a race, another race may be substituted.

13 ***b0408/1.3* SECTION 2423m.** 562.08 (1) of the statutes is amended to read:

14 562.08 (1) Every licensee under s. 562.05 (1) (a), (bm), or (e) shall collect 50
15 cents per person entering a racetrack as a spectator on each race day on which an
16 admission fee is charged, including any person entering the racetrack as a spectator
17 on a free pass or complimentary ticket.

18 ***b0408/1.3* SECTION 2423n.** 562.08 (2) of the statutes is amended to read:

19 562.08 (2) Quarterly, of the amount collected during the quarter under sub. (1),
20 a licensee under s. 562.05 (1) (a) or (bm) shall pay 50% to the county where the
21 amount was collected and 50% to the city, village or town where the amount was
22 collected.

23 ***b0408/1.3* SECTION 2423o.** 562.11 (2) of the statutes is amended to read:

24 562.11 (2) Facilitate off-track wagers or conduct an operation through which
25 off-track wagers are transmitted to a racetrack. The acceptance of an intertrack

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1 wager at a racetrack that does not meet the criteria specified under s. 562.05 (6m)
2 (b) 2. ~~or 3.~~ is considered to be the acceptance of an off-track wager and the facilitation
3 of an off-track wager.

4 ***-0307/2.1* SECTION 2427.** 565.10 (3) (b) of the statutes is amended to read:

5 565.10 (3) (b) No lottery retailer contract may be entered into with a person who
6 has been finally adjudged to be delinquent in the payment of taxes under ch. 71, 72,
7 76, 77, 78, or 139 ~~or~~, who has been found delinquent in the payment of contributions
8 to the unemployment reserve fund under s. 108.16 in a proceeding under s. 108.10,
9 or who owes a payment to the uninsured employers fund under s. 102.82 or 102.85
10 (4) or to the work injury supplemental benefit fund under s. 102.49 (5) (a), 102.59 (2),
11 or 102.60 (5) (b) if the person remains delinquent in the payment of liable for those
12 taxes or, contributions, or payments at the time the person seeks to enter into the
13 lottery retailer contract.

14 ***b0106/1.1* SECTION 2427m.** 565.10 (15) of the statutes is amended to read:

15 565.10 (15) REMITTING PROCEEDS. A retailer shall, ~~on a~~ daily basis, unless
16 another basis, ~~but not less than weekly,~~ frequency that is at least once every 60 days
17 is provided by the department by rule, remit to the department the lottery proceeds
18 from the sale of lottery tickets or lottery shares. The amount of compensation
19 deducted by the retailer, if any, shall be indicated as a deduction from the total
20 remitted.

21 ***b0124/1.2* SECTION 2427d.** 565.10 (16) of the statutes is created to read:

22 565.10 (16) DISPLAYING NOTIFICATION THAT PRIZES CLAIMED. Each lottery retailer
23 contract shall require the retailer to display a sign as provided by rule under s. 565.02
24 (3) (j) when the department notifies the retailer that the top prizes in a scratch-off
25 game have been claimed.

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1 ***b0124/1.3* SECTION 2428d.** 565.27 (5) of the statutes is created to read:

2 565.27 (5) NOTIFICATION THAT PRIZES IN SCRATCH-OFF GAME CLAIMED. The
3 department shall notify each retailer when the top prizes in a scratch-off game are
4 claimed and shall provide retailers a sign for display that provides notice that the top
5 prizes for a game have been claimed.

6 ***-0304/P2.1* SECTION 2429.** 565.48 of the statutes is created to read:

7 **565.48 Collection of unpaid liabilities.** Any unpaid amount owed by a
8 retailer to the department under this chapter shall be assessed, collected, and
9 reviewed in the same manner as income taxes are assessed, collected, and reviewed
10 under ch. 71.

11 ***b0301/1.10* SECTION 2429c.** 601.41 (1) of the statutes is amended to read:

12 601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 600 to
13 655 and ss. 59.52 (11) (c), 66.0137 (4) and (4m), 100.203, 120.13 (2) (b) to (g), and
14 149.13, ~~and 149.144~~ and shall act as promptly as possible under the circumstances
15 on all matters placed before the commissioner.

16 ***b0301/1.10* SECTION 2429e.** 601.415 (12) of the statutes is amended to read:

17 601.415 (12) HEALTH INSURANCE RISK-SHARING PLAN. The commissioner shall
18 perform the duties specified to be performed by the commissioner in ss. s. 149.13 ~~and~~
19 ~~149.144. The commissioner, or his or her designee, shall serve as a member of the~~
20 ~~board under s. 149.15.~~

21 ***b0301/1.10* SECTION 2429g.** 601.64 (1) of the statutes is amended to read:

22 601.64 (1) INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may
23 commence an action in circuit court in the name of the state to restrain by temporary
24 or permanent injunction or by temporary restraining order any violation of chs. 600
25 to 655, or s. 149.13 ~~or 149.144~~, any rule promulgated under chs. 600 to 655, or any

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1 order issued under s. 601.41 (4). The commissioner need not show irreparable harm
2 or lack of an adequate remedy at law in an action commenced under this subsection.

3 ***b0301/1.10* SECTION 2429h.** 601.64 (3) (a) of the statutes is amended to read:

4 601.64 (3) (a) *Restitutionary forfeiture.* Whoever violates an effective order
5 issued under s. 601.41 (4), any insurance statute or rule, or s. 149.13 ~~or 149.144~~ shall
6 forfeit to the state twice the amount of any profit gained from the violation, in
7 addition to any other forfeiture or penalty imposed.

8 ***b0301/1.10* SECTION 2429i.** 601.64 (3) (c) of the statutes is amended to read:

9 601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an
10 insurance statute or rule or s. 149.13 ~~or 149.144~~, intentionally aids a person in
11 violating an insurance statute or rule or s. 149.13 ~~or 149.144~~, or knowingly permits
12 a person over whom he or she has authority to violate an insurance statute or rule
13 or s. 149.13 ~~or 149.144~~ shall forfeit to the state not more than \$1,000 for each
14 violation. If the statute or rule imposes a duty to make a report to the commissioner,
15 each week of delay in complying with the duty is a new violation.

16 ***b0301/1.10* SECTION 2429j.** 601.64 (4) of the statutes is amended to read:

17 601.64 (4) **CRIMINAL PENALTY.** Whoever intentionally violates or intentionally
18 permits any person over whom he or she has authority to violate or intentionally aids
19 any person in violating any insurance statute or rule of this state, s. 149.13 ~~or~~
20 ~~149.144~~, or any effective order issued under s. 601.41 (4) is guilty of a Class I felony,
21 unless a specific penalty is provided elsewhere in the statutes. Intent has the
22 meaning expressed under s. 939.23.

23 ***b0301/1.10* SECTION 2429m.** 613.03 (4) of the statutes is amended to read:

24 613.03 (4) ~~MANDATORY HEALTH INSURANCE RISK-SHARING PLAN~~ HEALTH INSURANCE
25 RISK-SHARING PLAN. Service insurance corporations organized or operating under

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SECTION 2429m

1 this chapter are subject to the requirements that apply to insurers and insurance
2 under ch. 149.

3 ***b0301/1.10* SECTION 2429p.** 631.20 (2) (f) of the statutes is created to read:

4 631.20 (2) (f) In the case of a policy form under ch. 149, that the benefit design
5 is not comparable to a typical individual health insurance policy offered in the
6 private sector market in this state.

7 ***b0301/1.10* SECTION 2429r.** 632.785 (title) of the statutes is amended to read:

8 **632.785 (title) Notice of mandatory risk-sharing plan Health Insurance**
9 **Risk-Sharing Plan.**

10 ***-1736/1.1* SECTION 2438.** 757.05 (1) (title) of the statutes is amended to read:

11 757.05 (1) (title) LEVY OF PENALTY ASSESSMENT SURCHARGE.

12 ***-1736/1.2* SECTION 2439.** 757.05 (1) (a) of the statutes is amended to read:

13 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
14 state law or for a violation of a municipal or county ordinance except for a violation
15 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
16 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
17 committed the violation had a blood alcohol concentration of 0.08 or more but less
18 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
19 county ordinances involving nonmoving traffic violations or safety belt use violations
20 under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under
21 ch. 814 in an amount of ~~24%~~ 25% of the fine or forfeiture imposed. If multiple offenses
22 are involved, the penalty surcharge shall be based upon the total fine or forfeiture
23 for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty
24 surcharge shall be reduced in proportion to the suspension.

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SECTION 2440g

1 ***b0206/4.15* SECTION 2440g.** 757.05 (2) (a) of the statutes is renumbered
2 757.05 (2) and amended to read:

3 757.05 (2) ~~Law enforcement training fund.~~ Forty-eight percent of all All
4 moneys collected from penalty surcharges under sub. (1) shall be credited to the
5 appropriation account under s. 20.455 (2) (i) ~~and utilized in accordance with ss.~~
6 20.455 (2) ~~and 165.85 (5).~~ The moneys credited to the appropriation account under
7 s. 20.455 (2) (i), ~~except for the moneys transferred to s. 20.455 (2) (jb), 20.455 (2) (j)~~
8 and (ja) constitute the law enforcement training fund.

9 ***b0206/4.15* SECTION 2440r.** 757.05 (2) (b) of the statutes is repealed.

10 ***-0084/3.60* SECTION 2441.** 767.078 (1) (a) 2. of the statutes is amended to
11 read:

12 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
13 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

14 ***-0084/3.61* SECTION 2442.** 767.29 (1m) (c) of the statutes is amended to read:

15 767.29 (1m) (c) The party entitled to the support or maintenance money or a
16 minor child of the party has applied for or is receiving ~~aid to families with dependent~~
17 ~~children aid~~ under s. 46.261 or public assistance under ch. 49 and there is an
18 assignment to the state under s. 46.261 (3) or 49.19 (4) (h) 1. b. of the party's right
19 to the support or maintenance money.

20 ***-0084/3.62* SECTION 2443.** 767.29 (2) of the statutes is amended to read:

21 767.29 (2) If any party entitled to maintenance payments or support money,
22 or both, is receiving public assistance under ch. 49, the party may assign the party's
23 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such
24 assistance. Such assignment shall be approved by order of the court granting the
25 maintenance payments or support money, and may be terminated in like manner;

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SECTION 2443

1 except that it shall not be terminated in cases where there is any delinquency in the
2 amount of maintenance payments and support money previously ordered or
3 adjudged to be paid to the assignee without the written consent of the assignee or
4 upon notice to the assignee and hearing. When an assignment of maintenance
5 payments or support money, or both, has been approved by the order, the assignee
6 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
7 of securing payment of unpaid maintenance payments or support money adjudged
8 or ordered to be paid, by participating in proceedings to secure the payment thereof.
9 Notwithstanding assignment under this subsection, and without further order of the
10 court, the department or its designee, upon receiving notice that a party or a minor
11 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49
12 or that a kinship care relative or long-term kinship care relative of the minor child
13 is receiving kinship care payments or long-term kinship care payments for the minor
14 child, shall forward all support assigned under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n)
15 (b) 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261 (3), 48.57 (3m) (b)
16 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

17 *–0084/3.63* SECTION 2444. 767.29 (4) of the statutes is amended to read:

18 767.29 (4) If an order or judgment providing for the support of one or more
19 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes
20 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),
21 or 49.19, any support payment made under the order or judgment is assigned to the
22 state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the
23 amount that is the proportionate share of the minor receiving aid under s. 46.261,
24 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion
25 of a party.

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SECTION 2448m

1 ***b0335/1.1* SECTION 2448m.** 814.66 (1) (h) 1. of the statutes is amended to
2 read:

3 814.66 (1) (h) 1. Except as provided in subd. 2., for copies, certified or otherwise,
4 of records or other papers in the custody and charge of registers in probate, or for the
5 comparison and attestation of copies not provided by the registers, ~~\$1~~ \$1.25 per page.

6 *delete extra space*
7 ***b0285/4.15* SECTION 2449m.** 814.75 (11) of the statutes is created to read:

8 814.75 (11) The drug offender diversion surcharge under s. 973.043.

9 ***b0224/1.1* SECTION 2450d.** 814.77 (3m) of the statutes is created to read:

10 814.77 (3m) The crime victim and witness assistance surcharge under s.
11 973.045 (1m).

12 ***b0224/1.1* SECTION 2450g.** 814.78 (4m) of the statutes is created to read:

13 814.78 (4m) The crime victim and witness assistance surcharge under s.
14 973.045 (1m).

15 ***b0224/1.1* SECTION 2450m.** 814.79 (3m) of the statutes is created to read:

16 814.79 (3m) The crime victim and witness assistance surcharge under s.
17 973.045 (1m).

18 ***b0224/1.1* SECTION 2450r.** 814.80 (4m) of the statutes is created to read:

19 814.80 (4m) The crime victim and witness assistance surcharge under s.
20 973.045 (1m).

21 ***b0285/4.16* SECTION 2450m.** 814.76 (9) of the statutes is created to read:

22 814.76 (9) The drug offender diversion surcharge under s. 973.043.

23 ***-1118/P1.3* SECTION 2451.** 814.86 (1) of the statutes is amended to read:

24 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
25 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation

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SECTION 2451

1 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
2 violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit
3 court shall charge and collect a \$9 ~~\$12~~ justice information system surcharge from any
4 person, including any governmental unit, as defined in s. 108.02 (17), paying a fee
5 under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1).
6 The justice information system surcharge is in addition to the surcharge listed in
7 sub. (1m).

8 *~~1598/7.79~~* SECTION 2454. 891.455 (4) of the statutes is amended to read:

9 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or
10 tobacco product use shall not apply to any municipal fire fighter who smokes
11 cigarettes, as defined in s. 139.30 ~~(1)~~ (1m), or who uses a tobacco product, as defined
12 in s. 139.75 (12), after January 1, 2001.

13 *~~1400/1.1~~* SECTION 2455. 909.02 (4) of the statutes is amended to read:

14 909.02 (4) CERTIFIED COPIES OF PUBLIC RECORDS. A copy of an official record or
15 report or entry therein, or of a document authorized by law to be recorded or filed and
16 actually recorded or filed in a public office, including data compilations in any form,
17 certified as correct by the custodian or other person authorized to make the
18 certification, by certificate complying with sub. (1), (2) or (3) or complying with any
19 statute or rule adopted by the supreme court, or, with respect to records maintained
20 under s. 343.23, certified electronically in any manner determined by the
21 department of transportation to conform with the requirements of s. 909.01.

22 *~~0084/3.64~~* SECTION 2458. 938.33 (4) (intro.) of the statutes is amended to
23 read:

24 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
25 placement in a foster home, treatment foster home, group home, or nonsecured

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SECTION 2458

1 residential care center for children and youth ~~or~~, in the home of a relative other than
2 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
3 that the report may be presented orally at the dispositional hearing if all parties
4 consent. A report that is presented orally shall be transcribed and made a part of the
5 court record. The report shall include all of the following:

6 ***-0084/3.65* SECTION 2459.** 938.345 (4) of the statutes is created to read:

7 938.345 (4) If the court finds that a juvenile is in need of protection or services
8 under s. 938.13 (4), the court, instead of or in addition to any other disposition
9 imposed under sub. (1), may place the juvenile in the home of a guardian under s.
10 48.977 (2).

11 ***-0084/3.66* SECTION 2460.** 938.57 (1) (c) of the statutes is amended to read:

12 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
13 care, including providing services for juveniles and their families in their own homes,
14 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
15 licensed group homes in this state or another state within a reasonable proximity to
16 the agency with legal custody, placing the juveniles in the homes of guardians under
17 s. 48.977 (2), or contracting for services for them by licensed child welfare agencies
18 or replacing them in secured correctional facilities, secured child caring institutions,
19 or secured group homes in accordance with rules promulgated under ch. 227, except
20 that the county department may not purchase the educational component of private
21 day treatment programs unless the county department, the school board, as defined
22 in s. 115.001 (7), and the state superintendent of public instruction all determine that
23 an appropriate public education program is not available. Disputes between the
24 county department and the school district shall be resolved by the state
25 superintendent of public instruction.

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SECTION 2461

1 ***-0084/3.67*** SECTION 2461. 938.57 (3) (a) 4. of the statutes is amended to read:

2 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
3 ~~or, residential care center for children and youth, or subsidized guardianship home~~
4 under s. 48.62 (5).

5 ***-0296/2.3*** SECTION 2462. 938.78 (2) (h) of the statutes is created to read:

6 938.78 (2) (h) Paragraph (a) does not prohibit an agency from entering the
7 content of any record kept or information received about an individual in its care or
8 legal custody into the statewide automated child welfare information system
9 established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county
10 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health
11 and family services, the department of corrections, or any other organization that
12 has entered into an information sharing and access agreement with one of those
13 county departments or departments and that has been approved for access to the
14 statewide automated child welfare information system by the department of health
15 and family services from having access to information concerning a client of that
16 county department, department, or organization under this chapter or ch. 48 or 51
17 that is maintained in the statewide automated child welfare information system, if
18 necessary to enable the county department, department, or organization to perform
19 its duties under this chapter or ch. 48 or 51 or to coordinate the delivery of services
20 under this chapter or ch. 48 or 51 to the client. Before entering any information about
21 an individual into the statewide automated child welfare information system, the
22 agency entering the information shall notify the individual that the information
23 entered may be disclosed as provided in this paragraph.

24

ASSEMBLY BILL 100

SECTION 2466

1 ***-1510/2.33* SECTION 2466.** 944.21 (8) (b) 3. a. of the statutes is amended to
2 read:

3 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
4 approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)
5 6., 7. or 8.; and

6 ***-1510/2.34* SECTION 2467.** 948.11 (4) (b) 3. a. of the statutes is amended to
7 read:

8 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
9 approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)
10 6., 7. or 8.; and

11 ***b0285/4.17* SECTION 2467c.** 961.41 (5) (a) of the statutes is amended to read:
12 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
13 also impose a drug abuse program improvement surcharge under ch. 814 in an
14 amount of ~~50%~~ 75 percent of the fine and penalty surcharge imposed.

15 ***b0285/4.17* SECTION 2467d.** 961.41 (5) (c) of the statutes is renumbered
16 961.41 (5) (c) 1. (intro.) and amended to read:

17 961.41 (5) (c) 1. (intro.) All of the following moneys collected from drug
18 surcharges under this subsection shall be deposited by the secretary of
19 administration in and utilized in accordance with credited to the appropriation
20 account under s. 20.435 (6) (gb);

21 ***b0285/4.17* SECTION 2467e.** 961.41 (5) (c) 1. a. of the statutes is created to
22 read:

23 961.41 (5) (c) 1. a. For fiscal year 2005-06, all of the first \$1,038,600 collected
24 from drug surcharges under this subsection during that fiscal year plus two-thirds

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SECTION 2467e

1 of all moneys collected in excess of \$1,528,600 from drug surcharges under this
2 subsection during that fiscal year.

3 *b0285/4.17* SECTION 2467f. 961.41 (5) (c) 1. b. of the statutes is created to
4 read:

5 961.41 (5) (c) 1. b. For fiscal year 2006-07, all of the first \$1,044,300 collected
6 from drug surcharges under this subsection during that fiscal year plus two-thirds
7 of all moneys collected in excess of \$1,534,300 from drug surcharges under this
8 subsection during that fiscal year.

9 *b0285/4.17* SECTION 2467g. 961.41 (5) (c) 1. of the statutes, as affected by
10 2005 Wisconsin Act (this act), is repealed and recreated to read:

11 961.41 (5) (c) 1. Two-thirds of all moneys collected from drug surcharges under
12 this subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

13 *b0285/4.17* SECTION 2467i. 961.41 (5) (c) 2. of the statutes is created to read:

14 961.41 (5) (c) 2. All of the following moneys collected from drug surcharges
15 under this subsection shall be credited to the appropriation account under s. 20.505
16 (6) (ku):

17 a. For fiscal year 2005-06, all of the moneys collected in excess of \$1,038,600
18 from drug surcharges under this subsection during that fiscal year until the first
19 \$1,528,600 has been collected plus one-third of all moneys collected in excess of
20 \$1,528,600 from drug surcharges under this subsection during that fiscal year.

21 b. For fiscal year 2006-07, all of the moneys collected in excess of \$1,044,300
22 from drug surcharges under this subsection during that fiscal year until the first
23 \$1,534,300 has been collected plus one-third of all moneys collected in excess of
24 \$1,534,300 from drug surcharges under this subsection during that fiscal year.

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SECTION 2467k

1 ***b0285/4.17* SECTION 2467k.** 961.41 (5) (c) 2. of the statutes, as created by
2 2005 Wisconsin Act (this act), is repealed and recreated to read:

3 961.41 (5) (c) 2. One-third of all moneys collected from drug surcharges under
4 this subsection shall be credited to the appropriation account under s. 20.505 (6) (ku).

5 ***b0285/4.17* SECTION 2467m.** 961.472 (5) of the statutes is repealed and
6 recreated to read:

7 961.472 (5) The court is not required to enter an order under sub. (2) if any of
8 the following applies:

9 (a) The court finds that the person is already covered by or has recently
10 completed an assessment under this section or a substantially similar assessment.

11 (b) The person is participating in a substance abuse treatment program that
12 meets the requirements of s. 16.964 (12) (c), as determined by the office of justice
13 assistance under s. 16.964 (12) (i).

14 ***b0285/4.17* SECTION 2467p.** 967.11 of the statutes is created to read:

15 **967.11 Alternatives to prosecution and incarceration; monitoring**
16 **participants.** (1) In this section, “approved substance abuse treatment program”
17 means a substance abuse treatment program that meets the requirements of s.
18 16.964 (12) (c), as determined by the office of justice assistance under s. 16.964 (12)
19 (i).

20 (2) If a county establishes an approved substance abuse treatment program
21 and the program authorizes the use of surveillance and monitoring technology or day
22 reporting programs, a court or a district attorney may require a person participating
23 in an approved substance abuse treatment program to submit to surveillance and
24 monitoring technology or a day reporting program as a condition of participation.

25 ***b0285/4.17* SECTION 2467s.** 973.032 (6) of the statutes is amended to read:

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SECTION 2467s

1 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) or (1m) applies
2 toward service of the period under sub. (3) (a) but does not apply toward service of
3 the period under sub. (3) (b).

4 ***b0285/4.17* SECTION 2467x.** 973.043 of the statutes is created to read:

5 **973.043 Drug offender diversion surcharge.** (1) If a court imposes a
6 sentence or places a person on probation for a crime under ch. 943 that was
7 committed on or after the first day of the 3rd month beginning after the effective date
8 of this subsection [revisor inserts date], the court shall impose a drug offender
9 diversion surcharge of \$10 for each conviction.

10 (2) After determining the amount due, the clerk of court shall collect and
11 transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
12 treasurer shall then make payment to the secretary of administration under s. 59.25
13 (3) (f) 2.

14 (3) All moneys collected from drug offender diversion surcharges shall be
15 credited to the appropriation account under s. 20.505 (6) (ku) and used for the
16 purpose of making grants to counties under s. 16.964 (12).

17 (4) If an inmate in a state prison or a person sentenced to a state prison has
18 not paid the drug offender diversion surcharge under this section, the department
19 shall assess and collect the amount owed from the inmate's wages or other moneys.
20 Any amount collected shall be transmitted to the secretary of administration.

21 ***b0224/1.2* SECTION 2468m.** 973.045 (1) (intro.) of the statutes is amended to
22 read:

23 973.045 (1) (intro.) ~~On or after October 1, 1983, Except as provided in sub. (1m),~~
24 if a court imposes a sentence or places a person on probation, the court shall impose
25 a crime victim and witness assistance surcharge calculated as follows:

ASSEMBLY BILL 100

SECTION 2469

1 *-0539/P3.1* SECTION 2469. 973.045 (1) (a) of the statutes is amended to read:

2 973.045 (1) (a) For each misdemeanor offense or count, \$50 \$60.

3 *-0539/P3.2* SECTION 2470. 973.045 (1) (b) of the statutes is amended to read:

4 973.045 (1) (b) For each felony offense or count, \$70 \$85.

5 *b0224/1.3* SECTION 2470m. 973.045 (1m) of the statutes is created to read:

6 973.045 (1m) If a complaint is issued charging a person with a crime for an
7 offense that could subject the person to a forfeiture or to prosecution for a crime, the
8 prosecutor decides to defer or suspend the criminal prosecution, and as a result the
9 person agrees to pay a forfeiture, the court shall impose a crime victim and witness
10 assistance surcharge in addition to imposing a forfeiture. The amount of the
11 surcharge shall be the amount specified in sub. (1) (a) or (b), depending on the crime
12 that the person was charged with in the complaint.

13 *-0539/P3.3* SECTION 2471. 973.045 (3) (a) 1. of the statutes is amended to
14 read:

15 973.045 (3) (a) 1. Part A equals \$30 \$40 for each misdemeanor offense or count
16 and \$50 \$65 for each felony offense or count.

17 *-1417/P4.12* SECTION 2472. 973.05 (2m) of the statutes is amended to read:

18 973.05 (2m) Payments under this section shall be applied first to payment of
19 the penalty surcharge until paid in full, shall then be applied to the payment of the
20 jail surcharge until paid in full, shall then be applied to the payment of part A of the
21 crime victim and witness assistance surcharge until paid in full, shall then be
22 applied to *delete extra space* part B of the crime victim and witness assistance surcharge until paid in
23 full, shall then be applied to the crime laboratories and drug law enforcement
24 surcharge until paid in full, shall then be applied to the deoxyribonucleic acid
25 analysis surcharge until paid in full, shall then be applied to the drug abuse program

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SECTION 2472

PLAIN
Text

1 improvement surcharge until paid in full, shall then be applied to the drug offender
2 diversion surcharge until paid in full, shall then be applied to payment of the driver
3 improvement surcharge until paid in full, shall then be applied to the truck driver
4 education surcharge if applicable until paid in full, shall then be applied to payment
5 of the domestic abuse surcharge until paid in full, shall then be applied to payment
6 of the consumer protection surcharge until paid in full, shall then be applied to
7 payment of the natural resources surcharge if applicable until paid in full, shall then
8 be applied to payment of the natural resources restitution surcharge until paid in
9 full, shall then be applied to the payment of the environmental surcharge if
10 applicable until paid in full, shall then be applied to the payment of the wild animal
11 protection surcharge if applicable until paid in full, shall then be applied to payment
12 of the weapons surcharge until paid in full, shall then be applied to payment of the
13 uninsured employer surcharge until paid in full, shall then be applied to payment
14 of the enforcement surcharge under s. 253.06 (4) (c), if applicable, until paid in full,
15 and shall then be applied to payment of the fine and the costs and fees imposed under
16 ch. 814.

17 ***-1554/3.4* SECTION 2473.** 973.09 (1) (a) of the statutes is amended to read:

18 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
19 particular offense by statute, if a person is convicted of a crime, the court, by order,
20 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
21 and in either case place the person on probation to the department for a stated period,
22 stating in the order the reasons therefor. The court may impose any conditions which
23 appear to be reasonable and appropriate. The period of probation may be made
24 consecutive to a sentence on a different charge, whether imposed at the same time

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SECTION 2473

1 or previously. If the court imposes an increased a term of probation, as authorized
2 under sub. (2) (a) 1. or 2. or (b) 2., it shall place its reasons for doing so on the record.

3 *delete extra space*

4 *b0425/1.3* SECTION 2473e. 973.09 (2) (a) 1. of the statutes is renumbered
5 973.09 (2) (a) 1. (intro.) and amended to read:

6 973.09 (2) (a) 1. Except as provided in subd. 2., for any of the following
7 misdemeanors, not less than 6 months nor more than 2 years;

8 *b0425/1.3* SECTION 2474d. 973.09 (2) (a) 1. a. of the statutes is created to
9 read:

10 973.09 (2) (a) 1. a. A misdemeanor that the defendant committed while
11 possessing a firearm.

12 *b0425/1.3* SECTION 2474g. 973.09 (2) (a) 1. b. of the statutes is created to
13 read:

14 973.09 (2) (a) 1. b. A misdemeanor that was an act of domestic abuse, as defined
15 in s. 968.075 (1) (a).

16 *b0425/1.3* SECTION 2474j. 973.09 (2) (a) 1. c. of the statutes is created to read:

17 973.09 (2) (a) 1. c. A misdemeanor under s. 940.225 (3m) or ch. 948.

18 *b0425/1.3* SECTION 2474m. 973.09 (2) (a) 1. d. of the statutes is created to
19 read:

20 973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), 30.681, 30.684
21 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor under s. 346.63 to which s.
22 973.09 (1) (d) applies.

23 *delete extra space*

24 *b0425/1.3* SECTION 2475g. 973.09 (2) (a) 1m. of the statutes is created to
25 read:

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1 973.09 (2) (a) 1m. Except as provided in subd. 2., for Class A misdemeanors not
2 covered by subd. 1., not less than 6 months nor more than one year.

3 ***b0425/1.3* SECTION 2475m.** 973.09 (2) (a) 1r. of the statutes is created to read:

4 973.09 (2) (a) 1r. Except as provided in subd. 2., for misdemeanors not covered
5 by subd. 1. or 1m., not more than one year.

6 ***b0285/4.19* SECTION 2475g.** 973.155 (1) (b) of the statutes is amended to
7 read:

8 973.155 (1) (b) The categories in par. (a) and sub. (1m) include custody of the
9 convicted offender which is in whole or in part the result of a probation, extended
10 supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10
11 (2) placed upon the person for the same course of conduct as that resulting in the new
12 conviction.

13 ***b0285/4.19* SECTION 2475m.** 973.155 (1m) of the statutes is created to read:

14 973.155 (1m) A convicted offender shall be given credit toward the service of
15 his or her sentence for all days spent in custody as part of a substance abuse
16 treatment program that meets the requirements of s. 16.964 (12) (c), as determined
17 by the office of justice assistance under s. 16.964 (12) (i) for any offense arising out
18 of the course of conduct that led to the person's placement in that program.

19 ***b0285/4.19* SECTION 2475r.** 973.155 (3) of the statutes is amended to read:

20 973.155 (3) The credit provided in sub. (1) or (1m) shall be computed as if the
21 convicted offender had served such time in the institution to which he or she has been
22 sentenced.

23 ***-1737/2.15* SECTION 2479.** 978.03 (3) of the statutes is amended to read:

24 978.03 (3) Any assistant district attorney under sub. (1), (1m), or (2) must be
25 an attorney admitted to practice law in this state and, except as provided in ~~ss.~~ s.

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1 978.043 and ~~978.044~~, may perform any duty required by law to be performed by the
2 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),
3 or (2) may appoint such temporary counsel as may be authorized by the department
4 of administration. ✓

****NOTE: This is reconciled s. 978.03 (3). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1737 and LRB-0536.

5 *-1737/2.17* SECTION 2481. 978.044 of the statutes is repealed.

6 *delete extra space*

7 *-0265/3.24* SECTION 2484. 978.05 (4m) of the statutes is amended to read:

8 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department
9 departments of workforce development and health and family services regarding the
10 fraud investigation program programs under s. ss. 49.197 (1m) and 49.845 (1).

11 *-1737/2.20* SECTION 2485. 978.05 (8) (b) of the statutes is amended to read:

12 978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ss. s.
13 978.043 and ~~978.044~~, make appropriate assignments of the staff throughout the
14 prosecutorial unit. The district attorney may request the assistance of district
15 attorneys, deputy district attorneys, or assistant district attorneys from other
16 prosecutorial units or assistant attorneys general who then may appear and assist
17 in the investigation and prosecution of any matter for which a district attorney is
18 responsible under this chapter in like manner as assistants in the prosecutorial unit
19 and with the same authority as the district attorney in the unit in which the action
20 is brought. Nothing in this paragraph limits the authority of counties to regulate the
21 hiring, employment, and supervision of county employees.

22 *delete extra space*

23 *-0549/3.2* SECTION 2490. 978.13 (1) (d) of the statutes is amended to read:

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SECTION 2490

978.13 (1) (d) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms. The secretary of administration shall pay the amount authorized under this subsection to the county treasurer from the appropriation under s. 20.475 (1) ~~(f) or (i)~~ pursuant to a voucher submitted by the district attorney to the department of administration.

***-0549/3.3* SECTION 2491.** 978.13 (1m) of the statutes is amended to read:

978.13 (1m) The amount paid under sub. (1) (b), (c), and (d) combined may not exceed the amount appropriated under s. 20.475 (1) ~~(f) and (i) combined~~.

***-0984/4.21* SECTION 2493.** 1997 Wisconsin Act 27, section 9456 (3m) (a), as last affected by 2003 Wisconsin Act 48, is repealed.

***-0984/4.22* SECTION 2494.** 1999 Wisconsin Act 9, section 9401 (2zt), as last affected by 2003 Wisconsin Act 33, is repealed.

***-0984/4.23* SECTION 2495.** 1999 Wisconsin Act 9, section 9401 (2zu), as last affected by 2003 Wisconsin Act 33, is repealed.

***-0330/P2.4* SECTION 2496.** 2001 Wisconsin Act 74, section 23 (5) is repealed.

***b0278/4.14* SECTION 2496g.** 2003 Wisconsin Act 33, section 9106 (1) (g) 2. is amended to read:

[2003 Wisconsin Act 33] Section 9106 (1)

(g) UNIVERSITY OF WISCONSIN SYSTEM

2. *Projects financed by program revenue supported borrowing:*

Eau Claire — Children's Center

1,842,000

replace with table from
b 0278/4 section 14

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1	Extension — Lowell Hall improvements	1,144,000
2	Green Bay — University Union expansion	1,400,000
3	(Total project all funding sources \$6,000,000)	
4	La Crosse — Residence hall	22,344,000
5	Madison — Distribution services facility purchase	5,300,000
6	— Parking ramps	20,000,000
7	— Walnut Street steam and chilled-water plant purchase	90,000,000
8	Oshkosh — Recreation and Wellness Center	20,206,000
9	— Titan Stadium expansion	1,000,000
10	(Total project all funding sources \$6,500,000)	
11	Parkside — Student Union expansion and admissions office	
12		<u>22,164,000</u> <u>23,730,000</u>
13	<u>(Total project all funding sources \$25,191,000)</u>	
14	Platteville — Glenview Commons improvements	2,946,000
15	Stevens Point — University Center remodeling and addition	16,000,000
16	(Total project all funding sources \$16,720,000)	
17	Stout — Holvid Hall remodeling and addition	8,570,000
18	— Price Commons addition completion	514,000
19	Superior — Wessman Arena locker room addition	674,400
20	(Total project all funding sources \$1,124,000)	
21	— Student Center renovation — <u>Phase 1 or replacement</u>	
22		<u>7,500,000</u> <u>16,885,000</u>

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1	<u>(Total project all funding sources \$20,855,000)</u>		
2	System — Utilities improvements		3,523,000
3	<u>(Total project all funding sources \$19,585,000)</u>		
4	Whitewater — Conner University Center addition and remodeling — Phase 1	7,430,000	<u>19,452,000</u>
5	<u>(Total project all funding sources \$19,637,000)</u>		
6	— Moraine Hall remodeling		1,797,000
7	<u>(Total project all funding sources \$2,397,000)</u>		

8 ***b0278/4.14*** **SECTION 2496r.** 2003 Wisconsin Act 33, section 9106 (1) (g) 5. is
9 repealed.

10 ***-0746/4.2*** **SECTION 2498.** 2003 Wisconsin Act 318, section 3 is repealed.

11 ***-0746/4.3*** **SECTION 2499.** 2003 Wisconsin Act 318, section 4 is repealed.

12 ***-0746/4.4*** **SECTION 2500.** 2003 Wisconsin Act 318, section 6 is repealed.

13 ***-0746/4.5*** **SECTION 2501.** 2003 Wisconsin Act 318, section 11 is repealed.

14 ***-0746/4.6*** **SECTION 2502.** 2003 Wisconsin Act 318, section 13 is repealed.

15 ***-0746/4.7*** **SECTION 2503.** 2003 Wisconsin Act 318, section 14 is repealed.

16 ***-0746/4.8*** **SECTION 2504.** 2003 Wisconsin Act 318, section 15 is repealed.

17 ***-0746/4.9*** **SECTION 2505.** 2003 Wisconsin Act 318, section 17 is repealed.

18 ***-0746/4.10*** **SECTION 2506.** 2003 Wisconsin Act 318, section 18 is repealed.

19 ***-0746/4.11*** **SECTION 2507.** 2003 Wisconsin Act 318, section 20 is repealed.

20 ***-0746/4.12*** **SECTION 2508.** 2003 Wisconsin Act 318, section 22 is repealed.

21 ***-0746/4.13*** **SECTION 2509.** 2003 Wisconsin Act 318, section 25 (3) is
22 renumbered 49.45 (6tw) of the statutes and amended to read:

23 49.45 (6tw) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation
24 account under section s. 20.435 (7) (b) of the statutes, as affected by this act, in state

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SECTION 2509

F

1 fiscal year 2004-05, the department of health and family services may make
2 payments to local health departments, as defined under s. 250.02 (4) (a) 3. of the
3 statutes. Payment under this subsection to such a local health department may not
4 exceed on an annualized basis payment made by the department of health and family
5 services to the local health department under section s. 49.45 (6t) of the statutes,
6 2003 stats., for services provided by the local health department in 2002.

7 *-0746/4.14* SECTION 2510. 2003 Wisconsin Act 318, section 27 is repealed.

8 *-0537/P3.9101* SECTION 9101. Nonstatutory provisions;
9 administration.

10
11 *-1513/4.9101* (4) SALE OF CERTAIN STATE PROPERTY.

12 (a) 1. No later than July 1, 2006, the secretary of administration shall review
13 all holdings of state-owned real property for potential sale, except as provided in
14 subdivision 2.

15 2. Subdivision 1. does not apply to any property, facility, or institution the
16 closure or sale of which is not authorized under section 16.848 of the statutes, as
17 created by this act.

18 (b) No later than October 1, 2006, the secretary of administration shall submit
19 a report to the secretary of the building commission containing an inventory of his
20 or her recommendations to offer specified state properties for sale under section
21 16.848 of the statutes, as created by this act, and the reasons therefor. A property
22 may be included in the inventory with or without approval of the state agency having
23 jurisdiction of the property. If, on or before June 30, 2007, the building commission
24 votes to approve the sale of any property included in the inventory, the department

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